

ROYAL COURT

15th December, 1988

Before: The Deputy Bailiff and
Jurats Bonn and Orchard

BETWEEN

D. J. Woolley

PLAINTIFF

AND

Offshore Management Limited
and
Salvors International Limited

DEFENDANTS

The Plaintiff on his own behalf.

JUDGMENT

DEPUTY BAILIFF: Rule 6/20 of the Royal Court Rules provides that where at the expiration of five years from the date on which an action was placed on the pending list, no application has been made to have the action set down for hearing, the Court may, of its own motion, after giving not less than twenty one days' notice in writing, order that the action be dismissed. This action was placed on the pending list on the 5th July, 1974, and was stayed pending payment by the plaintiff of £500 as security for costs. That payment has never been made. Consequently no pleadings have ever been entered and the action has never been set down for hearing. In the meantime both defendant companies have been removed from the register of companies and have ceased to exist.

On the 17th November, 1988, we dismissed an application by the plaintiff for the Order of the 5th July, 1974, requiring payment of £500 as security for costs and ordering the action to be stayed to be revoked, and we gave notice that we would today consider the dismissal of the action under Rule 6/20. The plaintiff has been given the opportunity to show cause why we should not do so, but of course is quite unable to do so since it would be an abuse of the process of the Court to keep alive an action against two non-existent defendants.

Accordingly, we dismiss the original action.